

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Adilabad District – Verification of Local Scheduled Tribe Agency Area Certificates – Appeal filed by Sri Nunavath Govindrao, S/o.Vasram, R/o.Mamidipalli Village of Lingapur Mandal, Kumuram Bheem Asifabad District against the Proceedings of the District Educational Officer, Adilabad District vide Rc.No.B2/12875/2009, dated 12.11.2009 - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 53

Dated: 06-10-2023.

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Proceedings Rc.No.B2/12875/2009, dated 12.11.2009 O/o. the District Educational Officer, Adilabad.
3. Appeal petition of Sri Nunavath Govindrao, S/o.Vasram, R/o.Mamidipalli Village of Lingapur Mandal, Kumuram Bheem Asifabad District, dated 26.08.2023.
4. Govt. Memo.No.1001/TW.LTR/2023-1, dated 12.09.2023.
5. Govt.Notice No.1001/TW.LTR/2023, dated 12.09.2023.
6. From the Collector & District Magistrate, Kumuram Bheem Asifabad Lr.Rc.No.C2/747/2023, dated .09.2023.

ORDER:-

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In the reference 3rd read above, Sri Nunavath Govindrao, S/o.Vasram, R/o.Mamidipalli Village of Lingapur Mandal, Kumuram Bheem Asifabad District has filed Appeal petition before the Government under G.O.Ms.No.24, TW(LTR-1) Department, dated 12.06.2018 against the Proceedings of the District Educational Officer, Adilabad District vide reference 2nd read above. The history of the case is as follows:

The Appellant Sri Nunavath Govind Rao has been selected to the post of School Assistant (Mathematics) in DSC 2008 under Agency Area Local ST category of Adilabad District vide Hall Ticket No.19110100222. Subsequently, the District Educational Officer, Adilabad had issued orders in Proceedings Rc.No.B2/12875/2009, dated 12.11.2009 stating that the appellant is not eligible for the post of School Assistant (Mathematics) as the certificate of proof of Local Scheduled Tribe Candidate submitted by him is found not genuine in the verification/enquiry made by the Revenue Department as informed by the District Revenue Officer, Adilabad through Lr.No.B7/1858/09, dated 05.10.2009.

3. Aggrieved by the above Proceedings of the District Educational Officer, Adilabad, in the reference 3rd read above the appellant Sri Nunavath Govindrao, S/o.Vasram, R/o.Mamidipalli Village of Lingapur Mandal, Kumuram Bheem Asifabad District has filed the present Appeal before the Government under GO Ms.No.24, Tribal Welfare (LTR-1) Department, dated 12.6.2018 contending as follows:

- i) He has been provisionally selected to the post of School Assistant (Mathematics) vide Hall Ticket No.19110100222 in the Teachers Recruitment Drive through the DSC 2008 in Adilabad District. Subsequently, the District Educational Officer, Adilabad vide his Proceedings Rc.No.B2/12875/2009, dated 12.11.2009 had issued orders stating that "In view of the report received from the District Revenue Officer, Adilabad, the above said candidates are not eligible for selection against the posts notified in Scheduled Area as their certificates of Proof of Local Scheduled Tribe Candidate are found Not-

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Genuine. As per GO 2nd cited, (G.O.Ms.No.03/SW (TW-Edn-II), Dated 10.09.2000) the Local Scheduled Tribe candidates are only eligible for selection and appointment against the posts notified in the Scheduled area. Hence, this notice is herewith issued to the candidates for information. Sd/- K.Jashuva, District Educational Officer (FAC), Adilabad”.

- ii) In the proceedings of the District Educational Officer, Adilabad, the cases of two School Assistants (T/M) and seven cases of Language Pandits (Hindi) were not considered on the plea of Local Scheduled Tribe Certificate not genuine in which name of Appellant is at Sl.No.1 under School Assistant (Mathematics) vide Hall Ticket No.19110100222.
- iii) The procedure for verification of genuineness of the Agency Area Local Scheduled Tribe Certificates in respect of the local ST candidates of the Agency Area selected for various posts, is that the Scrutiny Committee headed by the Project Officer, ITDA Utnoor shall conduct and verify all the documents of the candidates with reference to the records of concerned Tahsildar's office and make recommendations to the District Collector either for confirmation of genuineness or not genuine. In turn the District Collector provides another opportunity of hearing by issuing Show Cause Notice to the candidates and only after final hearing and verification of documents/explanation produced if any by the candidate, the District Collector passes cancellation orders in respect of Agency Area Local ST Certificate of that particular candidate. But, in his case, no such procedure is followed, but the District Educational Officer, Adilabad had issued proceedings basing on the letter of the District Revenue Officer, Adilabad that the appellant is not eligible for appointment to the post of School Assistant (Mathematics) as the revenue authorities had found his Local ST Certificate not genuine.
- iii) Aggrieved by the above orders of the District Educational Officer, Adilabad, the Appellant has filed OA No.95 of 2010 with VMA No.298 of 2010 before the Hon'ble AP Administrative Tribunal at Hyderabad to call for counseling and appoint us to the post of School Assistant as per merits.
- iv) The Hon'ble AP Administrative Tribunal along with other OAs had passed the following common order:

"The Applicants in these O.As., are the persons, who applied for DSC-2008 for the posts of Teachers under Scheduled Tribe Quota in the Scheduled Area and the Official Respondents in the O.A., are not issuing the appointment orders in spite of submitting the Scheduled Tribe Caste Certificates issued by the Competent Authorities. They have approached this Tribunal to direct the Respondents to issue the posting orders. Therefore, the impleading Applicants/proposed respondents have no right to get impleaded in the O.As., as their rights are not affected. Therefore, the implead Applications are dismissed.

The Applicants in these O.As., are Scheduled Tribe candidates, who have obtained the Certificates from the Competent Authority as belonging to Scheduled Tribe in accordance with the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993).

Basing on the said Certificates, all the Applicants have applied for DSC 2008 Notification issued in the Adilabad District for the posts notified in 2008 DSC and it is the case of the Applicants that they have been selected, having participated in the selection process, but the Respondents are not issuing the posting orders on the ground that, on

verification of the Caste Certificates, issued to the Applicants by the concerned Revenue Divisional Officers, they were found to be not genuine. Therefore, it is stated in the counter that they are not being appointed.

It is not denied that the Certificates submitted by the Applicants are issued by the competent authority. In fact, having issued by the Revenue Divisional Officers, in accordance with the said Act (Act No.16/1993) in such circumstances, as long as the Certificates are in operation having not been cancelled, the Applicants are entitled to be appointed, pursuant to the said Certificates issued under the Act. If the Respondents found that the Certificates are not genuine, then it is for the Respondent Authorities to proceed against the Certificates issued in favour of the Applicants herein before the Competent Authority for getting them cancelled. As long as the certificates are in operation, the Applicants are entitled for appointments. Therefore, there shall be a direction to the Respondents to issue necessary appointment orders to the Applicants and as and when the Certificates are cancelled by following the procedure under the Act 16/1993, it will be open for the Respondents to take appropriate action.

If the Respondents are satisfied that the Certificates are in operation, they are directed to issue posting orders within a period of 8 weeks from the date of receipt of this order.

All the O.As., are accordingly allowed and the V.M.As., are dismissed. No costs."

In spite of above orders of the Hon'ble Tribunal, no favourable action was taken by the authorities.

- v) Since the Government have issued executive orders in GO Ms.No.24, Tribal Welfare (LTR) Department, dated 12.6.2018, he has filed the present Appeal before the Government along with the following documentary evidences in support of his claim that he belongs to the agency area local ST category of Mamidipalli village in Lingapur Mandal of Kumuram Bheem Asifabad District (erstwhile Adilabad District).
- vi) In support of his claim, the Appellant has submitted the following documentary evidences:
 - a) Copies of Certificates related to educational qualifications from 4th class to B.Sc. Graduation and B.Ed.
 - b) Community, Nativity and Date of Birth Certificate dated 13.8.2007 issued by the Tahsildar, Sirpur-U Mandal certifying that the appellant belongs to Lambada ST community and that he is native of Mamidipalli village.
 - c) Certificate of Proof of Local Scheduled Tribe Candidate bearing No.D/1540/2008, ddated 5.12.2008 issued by the Tahsildar, Sirpur-U Mandal wherein it was certified that:

"On the basis of the certification made by the Mandal Revenue Inspector, Sirpur (U) Mandal, this is to certify that Sri NUNAVATH GOVINDRAO S/O Vasram aged 26 years belonging to ST Lambada is residing at Mamidipally village Sirpur-U Mandal in Adilabad Dist.

As per Mandal Revenue Officer, Narnoor Report E/477/02, dated 24.5.2002, his parents were residing in Bheempur village, Narnoor Mandal of Adilabad District from 1949-50 to 1964 which falls in scheduled area on 26.1.1950.

From 1964-65 to till date, his parents are residing in Mamidipally village (notified village) Sirpur-U Mandal Adilabad Dist."

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d) Family Tree duly Notarized

- Nunavath Mothibai W/o Badru (Badharsingh) are grandparents. They have three sons namely Devula, Komra and Vasram (father of appellant).
 - Nunavath Vasram has four children viz., 1) Heeraman (eldest son) 2) Gopal (elder son) 3) Govindarao (younger son and appellant herein) and 4) Kavitha (daughter).
- e) Transfer Certificate of Agency Area bearing No.E/477/02, dated 24.5.2002 issued by the Mandal Revenue Officer, Narnoor – wherein it was certified as under:
- "On the basis of the certification made by the village secretary, BHEEMPUR, NARNOOR Mandal Revenue Inspector, Narnoor and this office old record, this is to certify that Sri NUNAVATH GOVINDARAO S/o Vasram R/o Mamidipally Mandal Sirpur(U) forefathers previously residing at BHEEMPUR Village of Narnoor Mandal in the year 1949-50 to 1964 and thereafter they went away Mamidipally Village of Sirpur-U Mandal. Hence, he is eligible for issue of Agency Area Certificate."*
- f) Certificate bearing No.B/2740/2011, dated 11.09.2011 issued by Tahsildar, Narnoor, wherein it was certified as under:
- "This is to certified that Sri N.Badhrusingh S/o Chopada was cultivating the land bearing Sy.No.28 PP extent 5.00 acres situated at Bheempur village of Narnoor Mandal of Adilabad District during the period 1954-64. He resided in Bheempoor village of Narnoor Mandal till the year 1964 and also his name was entered in Khasra Pahani 1954-55 Bheempoor Village of Narnoor Mandal"*.
- g) Household White Ration Card bearing No.WAP192900800444 issued by Mandal Revenue Officer, Sirpur-U Mandal to mother of appellant Smt. Nunavath Chicha Bai W/o Vasram showing their residence at H.No.1-120, Pikla thanda colony under Mamidipally Revenue village of Sirpur-U Mandal wherein his name was also enrolled with age of 25 years.
- h) Aadhar Card bearing No.7163 8255 5690 issued by the UIDAI Govt. of India to mother of appellant Smt. Nunavath Chichha Bai W/o.Vasram R/o H.No.1-120, Pikla tanda, Mamidipalle, Adilabad Dist. 504313.
- i) Aadhar Card bearing No.2950 7798 9265 issued by the UIDAI Government of India to the appellant with residential address as H.No.1-116, Pikala tanda, Mamidipalle, Adilabad Dist. 504313.
- j) Food Security Card (New Ration Card No.369210142313) to family of the appellant.
- k) Pass Book showing record of name of Nunavath Devla S/o Badhaersingh (paternal uncle of appellant).
- m) Pahani for the year 1982-83 – name of Devla S/o Badharsingh (paternal uncle of appellant) was recorded for an extent of acs.3.00.
- n) Pahani for the year 1985-86 – name of Devla S/o Badharsingh (paternal uncle of appellant) was recorded for an extent of acs.5.00 in Sy.No.7/49.
- o) Pahani for the year 1988-89 – name of Nunavath Vasram (father of appellant) S/o Badharsingh was recorded for an extent of acs.5.00 in Sy.No.7/50.

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- p) Pahani for the year 1992-93 – names of paternal uncle Devla S/o Badharsingh and father of appellant Vasram S/o Badharsingh were recorded for an extent of acs.5.00 each in Sy.Nos.7/49 and 7/50.
- q) Pahani for the year 1995-96 – names of paternal uncle Devla S/o Badharsingh and father of appellant Sri Vasram S/o Badharsingh were recorded for possessing an extent of acs.5.00 each in Sy.No.7/49 and 7/59 in Mamidipalli village.
- r) Pattedar Pass Book – Patta No.49 issued by Mandal Revenue Officer, Sirpooor (U) Mandal to mother of appellant Smt. Chichabai W/o Vasram for holding an extent of acs.5.00 in Sy.No.7/50 in Mamidipalli village.
- s) Voter list for the year 1970 – 237 Boath Assembly Constituency – Mamidipalli village – names of 1) Mothibai W/o Badhru (grandmother); 2) Devla S/o Badhru (paternal uncle); 3) Komra S/o Badhru (paternal uncle) and 4) Dollibai W/o Komra (wife of paternal uncle Komra) were enrolled at Sl.Nos.102 to 105.
- t) Voter list for the year 1977 – 240 Khanapur Assembly Constituency – names of following family members were enrolled:
 - 657. Nunavath Devla S/o Badhrusingh (paternal uncle).
 - 658. Lachmibai W/o Devla (wife of paternal uncle).
 - 659. Nunavath Komra S/o Badhrusingh (paternal uncle).
 - 660. Dolibai W/o Komra (wife of paternal uncle).
 - 661. Nunavath Vasram S/o Badhrusingh (father of appellant).
 - 662. Bichabai W/o Vasram (mother of appellant).
- vii) In addition to the above, the Appellant has also submitted a copy of the judgement of the Hon'ble High Court, AP, Hyderabad wherein the Hon'ble High Court passed common order in WP Nos.16182, 16160, 16654 (filed by the Appellant herein), 19417 and 21590 of 2010, dated 2.11.2011 – operate part is as under:

"In the instant cases, respondent No.4 has initiated proceedings under sub-section (2) of Section 166-B of 1317 Fasli Act. Since the issue relating to cancellation of false community certificates is governed by the specific statutory provisions, the provisions of the 1317 Fasli Act ought not to have been invoked for cancellation of such certificates.

With regard to the second submission of the learned counsel for the petitioners, a perusal of the impugned orders does not show that prior notices were issued to the petitioners before respondent No.4 concluding that the certificates issued by the Tahsildars are found not genuine. Respondent No.4 cannot arrive at unilateral conclusion without giving the petitioners an opportunity of being heard.

On both the grounds referred to above, the impugned orders are not sustainable. The Writ Petitions are, accordingly, allowed and the impugned orders are quashed. The District Collector-respondent No.2 is given liberty to initiate proceedings under the Rules, if he so desires. In the event of his choosing to initiate such proceedings, he shall ensure that the issue is referred to the Scrutiny Committee, constituted under Rule 8 of the Rules, and the said Committee completes the enquiry and submits its report and final orders are passed by him within a period of two months from the date of receipt of this order.

As a sequel, the interim orders granted in these Writ Petitions are vacated and all the pending interlocutory applications are disposed of as infructuous. – C.V.Nagarjuna Reddy, J date: 02.11-2011".

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- viii) The Appellant submits that all the above documents amply prove that he and his parents/forefathers hail from agency villages of Bheempur (Narnoor Mandal) and Pikla thanda H/o Mamidipalli (Lingapur Mandal) of KB Asifabad District (erstwhile Adilabad District) and hence prayed to treat him as local ST of agency area of Kumuram Bheem Asifabad District duly setting aside orders of the District Educational Officer, Adilabad in Procs.No.B2/12875/2009, dated 12.11.2009 and Lr.No.B7/1858/09, dated 05.10.2009 of the District Revenue Officer, Adilabad.
- ix) The Appellant further prayed to permit him to file additional documents at the time of hearing.

4. In the reference 4th read above, Government have admitted the above Appeal petition under G.O.Ms.No.24, dated 12.06.2018 and requested the District Collector, Kumuram Bheem Asifabad District, the District Collector, Adilabad District, the District Educational Officer, Adilabad District, the District Revenue Officer, Adilabad and the Tahsildar, Lingapur Mandal, Kumuram Bheem Asifabad District to submit connected case records documents pertaining to the case along with para-wise remarks.

5. In the reference 5th read above, Notice was issued to the Appellant to attend for hearing on 14.09.2023 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Nunavath Govindrao, S/o.Vasram has attended and a representative from the O/o. Deputy Director (TW) Kumuram Bheem Asifabad District also attended. The Appellant Sri Nunavath Govindrao, S/o.Vasram has submitted the following documents additionally:

- i) Khasra Pahani 1954-55 of Bheempur village, Narnoor Mandal wherein name of his great grandfather Bhadr Singh S/o Chopda was recorded under Sy.No.28.
- ii) Gram Panchayat, Bheempur, Narnoor Mandal Resolution dated 8.3.2023 wherein it was resolved that his great grandfather Sri Bhadr Singh S/o Chopra and his son Nunavath Vasram i.e. father of appellant lived in Bheempur village from 1950 to 1964.
- iii) Resolution of Gram Panchayat, Pikla thanda, Lingapur Mandal, Kumuram Bheem Asifabad District wherein it was resolved that family of appellant i.e. his ancestors migrated to Pikla thanda in the year 1965 from Bheempur village of Narnoor Mandal in Adilabad District and since then continuously living in Pikla thanda.
- iv) PESA Gram Sabha Resolution of Pikla thanda dated 23.6.2023 wherein it was resolved that family of appellant i.e. his ancestors lived in Bheempur village till 1964 and after that migrated to Pikla thanda H/o Mamidipalli village.
- v) Village Elders Declaration dated 5.5.2023 wherein it was declared that ancestors of appellant lived in Bheempur village from 1950 to 1964 and migrated to Pikla thanda H/o Mamidipalli in the year 1965 and living there.

6. The Appellant further stated that he has also applied for copy of cancellation orders of the District Collector, through RTI on 17.8.2023 but the same is not yet supplied.

7. Findings

- It is evident from the proceedings of the District Educational Officer, Adilabad in Rc.No.B2/12875/2009, dated 12.11.2009 issued basing on the decision of the revenue authorities that the certificate of proof of Local Scheduled Tribe Candidate of the Appellant Sri Nunavath Govindrao and six others was since not found genuine, the District Revenue Officer, Adilabad had informed the same to the District

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Educational Officer, Adilabad through his Lr.No.B7/1858/09, dated 05.10.2009 and the District Educational Officer, Adilabad accordingly conveyed the same to the candidates stating that they are not eligible for selection against the posts notified in scheduled area as their certificates of Proof of Local Scheduled Tribe Candidate were found Not Genuine.

- Further, no action seems to have been taken either on the orders of the Hon'ble APAT in the OAs (OA No.95 of 2010 with VMA No.298 of 2010 filed by the Appellant herein) dt.5.5.2010 or on the common orders passed by the Hon'ble High Court of Andhra Pradesh, Hyderabad dt.2.11.2011 in WP Nos.16182, 16160, 16654 (filed by the Appellant herein), 19417 and 21590 of 2010. Had if any action been taken subsequent to the orders dt.5.5.2010 and dt.2.11.2011 of the Hon'ble APAT and the Hon'ble High Court respectively, the Appellant would have been called for appearance and his case disposed of accordingly.
- The case of the Appellant who has been provisionally selected to the post of School Assistant (Mathematics) is pending since 2008 for deciding veracity of his local Scheduled Tribe status in the agency area of the erstwhile Adilabad District i.e. now the present Kumuram Bheem Asifabad District.
- Since, admittedly the Appellant has already been informed that he is not eligible for selection to the post of School Assistant (Mathematics) by the District Educational Officer, Adilabad on account of his Certificate of proof of Local Scheduled Tribe found not genuine as per the verification/enquiry made by the revenue authorities, the present APPEAL submitted by the Appellant Sri Nunavath Govindrao S/o Vasram has been admitted and hearing taken up.

8. On perusal of the documentary evidences submitted by the Appellant along with his Appeal and additional documents submitted during hearing on 14.9.2023 have been examined, verified and found valid with reference to the guidelines specified in GO Ms.No.24, Tribal Welfare (LTR-1) Department, dated 12.6.2018, it is established that the Appellant and his ancestors have been continuously living in agency villages Bheempur (Narnoor Mandal of Adilabad District) and Pikla thanda H/o Mamidiipalli in Lingapur Mandal of Kumuram Bheem Asifabad District since 1950.

9. Government after careful examination of the matter, hereby allow the Appeal petition filed by Sri Nunavath Govindrao, S/o.Vasram, R/o.Mamidiipalli Village of Lingapur Mandal, Kumuram Bheem Asifabad District, treating him as Local Scheduled Tribe of agency villages Bheempur (Narnoor Mandal of Adilabad District) and Pikla thanda H/o. Mamidiipalli in Lingapur Mandal of Kumuram Bheem Asifabad District and the Local Scheduled Tribe Certificate bearing No.D/1540/2008, dated 5.12.2008 issued by the Tahsildar, Sirpur-U Mandal is treated as GENUINE duly setting aside the Proceedings of the District Educational Officer, Adilabad District vide Rc.No.B2/12875/2009, dated 12.11.2009.

10. The Collector and District Magistrate, Kumuram Bheem Asifabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Kumuram Bheem Asifabad District (By RPAD)
Sri Nunavath Govindrao, S/o.Vasram, R/o.Mamidiipalli Village of Lingapur Mandal,
Kumuram Bheem Asifabad District -504313(By RPAD)

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Copy to:-

The Commissioner and Director of School Education, TS, Hyderabad.

The Collector and District Magistrate, Adilabad District

The Project Officer, ITDA, Utnoor, Adilabad District

The District Tribal Development Officer(TW),

Komuram Bheem Asifabad District.

The District Educational Officer, Adilabad District

The District Educational Officer, Komuram Bheem Asifabad District

The Tahsildar, Lingapur Mandal, Komuram Bheem Asifabad District.

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.